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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,151	03/03/2004	Koji Yajima	032405.164	4846
25461	7590	11/29/2005	EXAMINER	
SMITH, GAMBRELL & RUSSELL, LLP 1230 PEACHTREE STREET, N.E. SUITE 3100, PROMENADE II ATLANTA, GA 30309-3592			BEAULIEU, YONEL	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/792,151

Applicant(s)

YAJIMA, KOJI

Examiner

Yonel Beaulieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/3/04&8/12/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iihoshi et al. (US 6,032,097) in view of Hashimoto (US 6,397,149 B1).

Regarding claims 1, 4, and 6, Iihoshi teaches a drive assist system for a driver's own vehicle having a solid object detecting unit (10) for detecting frontal solid objects (col. 5, lines 15 – 18 at least) including a first preceding vehicle traveling ahead of said own vehicle and a second preceding vehicle traveling ahead of said first preceding vehicle (see figs. 4a, 4b, 5, 7a) and a traveling control unit (4) including a constant speed traveling control unit for controlling a vehicle speed of said own vehicle so as to travel at a constant speed (col. 5, lines 3-4; col. 10, lines 29 – 34 at least) and follow-up traveling control unit (4) for establishing said preceding vehicle as a follow-up object and for controlling traveling of said own vehicle so as to follow said preceding vehicle (overall, col. 5, lines 1 – 21 at least), comprising: means (15/16) for inhibiting (preventing) an acceleration of said own vehicle following up said preceding vehicle according to said follow-up traveling control unit when a first state is detected where said first preceding vehicle undertakes to pass said second preceding vehicle (col. 10, lines 35 - 49; means (2) for changing said follow-up object from said first preceding vehicle to said second

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preceding vehicle when said second state changes to a third state where the speed of said first preceding vehicle is larger than that of said second preceding vehicle and means (communication module 1) for continuing to establish said preceding vehicle as said follow-up object when said second state changes to a fourth state where the speed of said preceding vehicle is smaller than that of said second preceding vehicle (col. 10, line 50 – col. 11, line 5), judging inter-vehicle distance between two vehicles (col. 2, lines 5 – 29 and 40 – 52 and col. 8, lines 37 – 51) except for means for continuing to establish said preceding vehicle as said follow-up object until a second state is detected where said first preceding vehicle travels in parallel with said second preceding vehicle.

However, Hashimoto teaches, in the same field of endeavor of a drive assist system for a vehicle, the establishment of a preceding vehicle traveling in parallel with a second preceding vehicle (see figs. 3 and 11; col. 5, lines 38 – 49; col. 9, lines 51 – 62; and col. 10, lines 53 – 61).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modifies lihoshi's teaching by establishing a preceding vehicle traveling in parallel with a second preceding as evidenced by Hashimoto in order to enhance conducting multiple vehicles processional travel.

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Regarding claims 2 and 5, lihoshi further teaches discriminatingly recognizing the first vehicle and the second vehicle based upon widths of the vehicles and sideways movement of the vehicles (col. 5, lines 22 – 33 at least).

Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over lihoshi ('097) and Hashimoto ('149 B1) as applied to claim 1 above, and further in view of Kushida et al. (US 6,856,896 B2).

As discussed above, lihoshi and Hashimoto teaches all of the limitations except for raising an alarm and making the preceding vehicle a two-wheel vehicle.

However, Kushida et al. teaches, in an analogous art of vehicle drive system, raising an alarm and making the preceding vehicle a two-wheel vehicle (col. 1, line 65 – col. 2, line 31 and col. 2, lines 3 – 25 at least).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of lihoshi and Hashimoto by including raising an alarm and making the preceding vehicle a two-wheel vehicle as evidenced by Kushida et al. for versatility of the drive assist system.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (571) 272-6955. The examiner can normally be reached on M-W 9-3; F 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yonel Beaulieu
Primary Examiner
Art Unit 3661


YONEL BEAULIEU
PRIMARY EXAMINER